

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 18-22, 26, 27, and 66-71, which stand rejected in the above-identified application. By the foregoing amendment, Applicant has amended claims 18, 26, 66, and 69. Applicant has previously canceled claim 22. Claims 1-17, 23-25, and 28-65 stand as withdrawn. Support for the amendments can be found in the specification as originally filed. No new matter is added by the amendments. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

In the Office Action on page 3, the Examiner rejected claims 18-21 under 35 U.S.C. § 102(e) as being anticipated by Pirkola et al. (U.S. Pat. No. 6,611,516) (hereinafter referred to as “Pirkola”). Applicant respectfully traverses this rejection. Applicant submits that Pirkola does not disclose all the limitations of amended claims 18-21 and that Pirkola therefore does not anticipate these claims.

Amended claim 18 recites, “A device for use in a cellular network comprising an adapter adapted to connect to or integrate with a wireless cell phone for completing an incoming call via the cellular network if the cell phone is not roaming and for forwarding the incoming call to a packet switched data network if the cell phone is roaming to an area covered by an IP network, wherein said adapter operates to change a protocol utilized by said roaming cellular telephone from that of a cellular telephone to that of a data networking device.”

The Examiner alleged that Pirkola discloses a device “wherein provides wireless cell phone completed call if in roaming in either PSTN or MIPTN/(IP Network).” The Examiner further alleges that the gateway function 210 of Pirkola acts as the device of claim 18. Applicant respectfully disagrees with the Examiner. Pirkola does not disclose a device for completing an incoming call via the cellular network if the cell phone is not roaming and for forwarding the incoming call to a packet switched data network if the cell phone is roaming to an area covered by an IP network. The gateway function 210 of Pirkola only allows roaming to occur between the MIPTN and a cellular network and vice versa; the gateway function 210 does not complete calls via the cellular network if the cell phone is not roaming (Pirkola abstract; col. 7, lines 20-34, 60-67; col. 8, lines 1-10, FIG. 2). In contrast, the device/adaptor of the present invention can distinguish between the roaming and non-roaming status of the cell phone and react accordingly.

Additionally, Pirkola does not disclose an adapter adapted to integrate with a wireless cell phone, wherein the adapter operates to change a protocol utilized by said roaming cellular telephone from that of a cellular telephone to that of a data networking device. Pirkola therefore does not recite every limitation of amended claim 18. As such, Applicant submits that amended claim 18 is patentable over Pirkola.

Amended claim 18 is therefore patentable over Pirkola. Claims 19-21 depend from claim 18, inherit all the limitations thereof, and are therefore patentable over Pirkola for the same reasons as claim 18. Moreover, claims 19-21 recite further novel, nonobvious limitations not described in the prior art. As such, Applicant submits that claims 18-21 are patentable.

In the Office Action on page 4, the Examiner rejected claims 26, 27, and 66-71 under 35 U.S.C. § 103(a) as being unpatentable over Baumeister et al. (U.S. Pat. No. 6,914,972) (hereinafter referred to as “Baumeister”) in view of Pirkola et al. (U.S. Pat. No. 6,611,516) (hereinafter referred to as “Pirkola”). Applicant respectfully traverses this rejection. Applicant submits that Baumeister and Pirkola, alone or in combination, do not disclose all the limitations of amended claims 26, 27, and 66-71 and the subject claims are therefore not obvious over Baumeister in view of Pirkola.

Amended claim 26 recites, “An adapter comprising an IP interface having an IP address, a telephone interface for integration with a phone having a telephone number, and software for forwarding incoming data from an IP network to said telephone by converting said incoming IP signals to telephony signals such that said telephone receives an incoming telephone call, wherein said adapter selects said IP network based upon user priorities and/or rules.”

The Examiner alleges that Pirkola discloses a device “wherein provides wireless cell phone completed call if in roaming in either PSTN or MIPTN/(IP Network).” The Examiner further alleges that Baumeister teaches an adapter of claim 26 wherein the adapter is integrated with the telephone in col. 3, lines 7-17 and the accompanying FIG. 1. Applicant respectfully disagrees with the Examiner. Baumeister does not disclose an adapter integrated with a phone. Indeed, col. 3, lines 7-17 and FIG. 1 state, “a subscriber terminal TE is connected via a subscriber terminal interface LS.” In addition, Baumeister further states in col. 3, lines 30-36 that the interface LS from FIGS. 1 and 2 is an “air interface LS.” Baumeister continues to refer to the interface as an “air interface” throughout the rest of the reference. Baumeister does not

teach or disclose any direct physical connection, i.e. integration, of an adapter and a phone. As such, Baumeister does not teach an adapter integrated with a phone. Moreover, Baumeister does not disclose an adapter wherein the adapter selects the IP network or any network based upon user priorities and/or rules. Pirkola does not cure these deficiencies of Baumeister. As such, Applicant submits that amended claim 26 is patentable.

Amended claim 26 is therefore patentable over Baumeister and Pirkola, alone or in combination. Claim 27 depends from claim 26, inherits all the limitations thereof, and is therefore patentable over Baumeister and Pirkola, alone or in combination, for the same reasons as claim 26. As such, Applicant submits that amended claim 26 and claim 27 are patentable.

Amended claim 66 recites, “An adapter for a wireless device comprising a Personal Computer (PC), said PC being connected to a data network and being arranged to receive voice and data over said data network, and to distinguish between the two, said PC also including software and hardware to, upon recognition that arriving information is associated with voice, forward said arriving information over a wireless connection to a handheld wireless device.” The discussion of the deficiencies of Baumeister and Pirkola were discussed above and are incorporated herein by reference. Additionally, Baumeister does not disclose the limitations of claim 66 because Baumeister teaches away from employing a personal computer (PC) as part of the adapter. In col. 2, lines, 26-37, Baumeister states:

[U]se is made of a base unit having a transfer method evaluation unit which, on the basis of the type of voice/data link identified, performs data conversion between the data on a subscriber terminal interface and the packet-switching network or the line-switching network results in an Internet telephone adapter which is extremely simple to use and, without using a complicated computer system (PC), turns any conventional subscriber terminal into a terminal which allows a voice/data link both over line-switching networks and over packet-switching networks.

Baumeister further discusses drawbacks of employing personal computers from col. 1, line 63 to col. 2, line 25. As such, one skilled in the art would be discouraged from modifying the teachings of Baumeister to employ a personal computer as part of an adapter. As such, Applicant submits that amended claim 66 is patentable.

Amended claim 66 is therefore patentable over Baumeister and Pirkola, alone or in combination. Claims 67 and 68 depend from claim 66, inherit all the limitations thereof, and are

therefore patentable over Baumeister and Pirkola, alone or in combination, for the same reasons as claim 66. As such, Applicant submits that amended claim 66 and claims 67 and 68 are patentable.

Amended claim 69 recites, “An adapter for integration with a cellular phone comprising a protocol translator for translating between a cellular network protocol utilized by a cellular network and a PSTN protocol such that a cell phone integrated with said adapter can operate directly over the PSTN, wherein said adapter selects said PSTN based upon user priorities and/or rules.” The discussion of the deficiencies of Baumeister and Pirkola were discussed above and are incorporated herein by reference. As aforementioned, Baumeister does not teach or disclose an adapter selecting any network based upon user priorities and/or rules. Pirkola does not cure these deficiencies. As such, Applicant submits that amended claim 69 is patentable.

Amended claim 69 is therefore patentable over Baumeister and Pirkola, alone or in combination. Claims 70 and 71 depend from claim 69, inherits all the limitations thereof, and are therefore patentable over Baumeister and Pirkola, alone or in combination, for the same reasons as claim 69. As such, Applicant submits that amended claim 69 and claims 70 and 71 are patentable.

Applicant therefore respectfully requests reconsideration and allowance in view of the above remarks and amendments. The fee for the RCE is included herewith. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

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Respectfully submitted,

By: s/Jeffrey I. Kaplan/
Jeffrey I. Kaplan, Reg. No. 34,356
KAPLAN GILMAN GIBSON & DERNIER LLP
900 Route 9 North, Suite 504
Woodbridge, New Jersey 07095
(732) 634-7634
Attorneys for Applicant